

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: Patrick L. Edwards
Keiichi IWAMURA)	
	:	Group Art Unit: 2624
Appln. No.: 09/660,444)	
	:	Confirmation No. 6601
Filed: September 12, 2000)	
	:	
For: IMAGE PROCESSING)	
APPARATUS AND METHOD	:	
AND STORAGE MEDIUM)	March 7, 2007

MAIL STOP PETITION

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION

Sir:

I am a partner in the law firm of Fitzpatrick, Cella, Harper & Scinto, 30 Rockefeller Plaza, New York, New York 10112 ("the Firm"), and I am an attorney of record in the above-identified application. I am the attorney in the Firm who is primarily responsible for the prosecution of the subject patent application.

A Notice of Abandonment concerning the subject application, dated February 9, 2007, was received by the Firm on February 15, 2007. A copy of the Notice is attached. The Notice indicates that the application was abandoned for failure to respond to an Office Action mailed on November 16, 2005.

I have reviewed the pertinent records, including the entire file of the subject application and the attached docketing records, and I have concluded that the November 16, 2005 Office Action was not received. In accordance with M.P.E.P. § 711.03(c), attached is a copy of the docket record where the response to the November 16, 2005 Office Action would have been entered had that Office Action been received and docketed. Specifically, attached is a copy of the Firm's Master Docket record showing all replies docketed as being due on February 16, 2006, which is the date three months from the mailing date of the November 16, 2005 Office Action. (The first three digits of the application numbers have been redacted to preserve confidentiality.)

In view of the foregoing, Applicant's undersigned representative submits that the November 16, 2005 Office Action was never received by the Firm. Withdrawal of the holding of abandonment, and remailing of the November 16, 2005 Office Action, are requested pursuant to M.P.E.P. § 711.03(c).

The Commissioner is authorized to charge any fee required for consideration of this Petition to Deposit Account No. 06-1205.

Applicant's representative can be reached by telephone in our Washington, DC office at 202-530-1010. All correspondence should continue to be directed to the mailing address below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'B. L. Klock', written over a horizontal line.

Attorney for Applicants

Brian L. Klock

Registration No. 36,570

FITZPATRICK, CELLA, HARPER & SCINTO

30 Rockefeller Plaza

New York, New York 10112-3800

Facsimile: (212) 218-2200



UNITED STATES PATENT AND TRADEMARK OFFICE

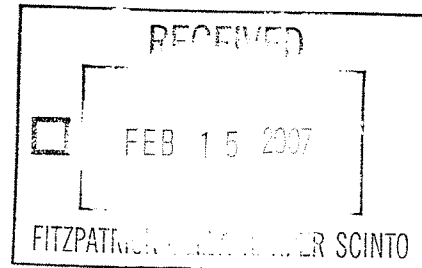
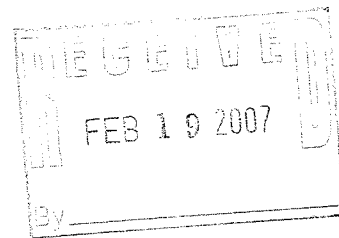
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,444	09/12/2000	Keiichi Iwamura	35.C14834	6601
5514 7590 02/09/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER EDWARDS, PATRICK L	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 02/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

03500, 014834.
BLK

*Erroneous Notice of
Abandonment*



Notice of Abandonment

Application No.

09/660,444

Examiner

Patrick L. Edwards

Applicant(s)

IWAMURA, KEIICHI

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 16 November 2005.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

Applicant has not responded to the final rejection mailed on 11-16-2005

Matthew C. Bella

MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

MASTER DOCKET - From 020106 to 022106

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Due Date	Docket Number	Attorney	Action	Application No
2/16/2006	01687.401100.	Behringer, John W.	Request For Reconsideration by Hand Per E JH on 2/14/06	10/10/0651
Remarks	(NO RECORD BEFORE 4/04) EMAIL 050504 - NO FOREIGN FILING; <i>Lawler</i>			
2/16/2006	03086.000003.	Berschadsky, Jonathan.	Convention Check	
Remarks	(BASED ON PVL APPLN) (MPS) Country of Origin - USA LastUpdate - 03-09-2005 <i>No RR</i>			
2/16/2006	00437.000026.36	DeLucia, Frank A.	Foreign Filing 1 month reminder.	90/000467
Remarks	(COPY AMZ) RX 5494885 OF 022796 BY DAI NIPPON PRINT.CO. (GENERAL CO); FX 011805 - FILE REX ASAP; FX 030905 LastUpdate - 04-07-2005			
2/16/2006	03500.014318.1	DeLucia, Frank A.	STATUS: CERTIFICATE OF CORRECTION 10/10/0651	
Remarks	#2879; (EXP04); 1.53B DIV - PAPER ISSUE; 1.53B DIV FILED 081104; PTA/ALW=158; PTA/IFN=158; Country of Origin - JAPAN LastUpdate - 02-17-2005			
2/16/2006	03500.014318.1	DeLucia, Frank A.	STATUS: CERTIFICATE OF CORRECTION 10/10/0651	
Remarks	#2879; (EXP04); 1.53B DIV - PAPER ISSUE; 1.53B DIV FILED 081104; PTA/ALW=158; PTA/IFN=158; Country of Origin - JAPAN LastUpdate - 02-17-2005			
2/16/2006	03500.017553.	DeLucia, Frank A.	STATUS: CERTIFICATE OF CORRECTION 10/10/0651	
Remarks	#2821; (EXP04) FLOPPY RCD V/A/PLN; PTA/ALW=0; PTA/IFN=0; PTA/LP=0; Country of Origin - JAPAN LastUpdate - 02-17-2005			
2/16/2006	03500.017553.	DeLucia, Frank A.	STATUS: CERTIFICATE OF CORRECTION 10/10/0651	
Remarks	#2821; (EXP04) FLOPPY RCD V/A/PLN; PTA/ALW=0; PTA/IFN=0; PTA/LP=0; Country of Origin - JAPAN LastUpdate - 02-17-2005			

MASTER DOCKET - From 020106 to 022106

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Due Date	Docket Number	Attorney	Action	Application No
1/25/2006	03121.000300.1	DiPerna, Raymond	Issue Publication Fees due	104/11628
Remarks	1.53B DIV - PAR TO ISSUE; #PREVIOUSLY 224.300 DI# OA OF 022805 IS 2 MOS XPQ; PTA=159			
2/16/2006	01204.025000	Emmi, Peter	Notice to File Missing Parts initial deadline	11/116590
Remarks	(PE) (BASED ON PVL APPLN) Last Update - 02-18-2005			
2/16/2006	03129.000800.PC	Glueck, Daniel S.	PCT 10 month Chapter II Demand Deadline	11505/11912
Remarks	See above			
2/16/2006	03129.000800.PC	Glueck, Daniel S.	Receive copy of published patent specification	11505/11912
Remarks	N2-88-70 3-16-06			
2/16/2006	03500.014270	Glueck, Daniel S.	3-month Office Action initial deadline	09/11939
Remarks	N2-88-70 3-16-06			
2/16/2006	03134.006001	Gaiot, Thomas	Notice to File Missing Parts initial deadline	29/11316
Remarks	No fee den			
2/16/2006	01190.000500	Holowacz, Elizabeth F.	Next renewal date	08/11808
Remarks	Country of Origin - USA Last Update - 06-13-2004			
2/16/2006	00862.022413	Klock, Brian L.	Notice of Appeal due - Last Day	09/1177
Remarks	amend after final filed 091305;			

MASTER DOCKET - From 020106 to 022106

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Due Date	Docket Number	Attorney	Action	Application No
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2/16/2006	00862.022413	Klock, Brian L.	Appeal - 3 month extension	09/0001177
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Remarks amend after final filed 091305;

2/16/2006
Remarks
#2674; (KEEP AS BLK); IST CPA 110600; IST RCE 110802; PTA/IFN=0; FDX 12/14-LP; (##COPY DSG##) Country of Origin - JAPAN LastUpdate - 04-20-2005

~~Klock, Brian L.~~

STATUS: CERTIFICATE OF CORRECTION 09/000273

2/16/2006
Remarks
#2674; (KEEP AS BLK); IST CPA 110600; IST RCE 110802; PTA/IFN=0; FDX 12/14-LP; (##COPY DSG##) Country of Origin - JAPAN LastUpdate - 04-20-2005

~~Klock, Brian L.~~

STATUS: CERTIFICATE OF CORRECTION 09/000273

2/16/2006
Remarks
#2674; (KEEP AS BLK); IST CPA 110600; IST RCE 110802; PTA/IFN=0; FDX 12/14-LP; (##COPY DSG##) Country of Origin - JAPAN LastUpdate - 04-20-2005

~~Klock, Brian L.~~

STATUS: CERTIFICATE OF CORRECTION 09/000273

2/16/2006
Remarks
#2674; (KEEP AS BLK); IST CPA 110600; IST RCE 110802; PTA/IFN=0; FDX 12/14-LP; (##COPY DSG##) Country of Origin - JAPAN LastUpdate - 04-20-2005

~~Klock, Brian L.~~

STATUS: CERTIFICATE OF CORRECTION 09/000273

2/16/2006
Remarks
#2674; (KEEP AS BLK); IST CPA 110600; IST RCE 110802; PTA/IFN=0; FDX 12/14-LP; (##COPY DSG##) Country of Origin - JAPAN LastUpdate - 04-20-2005

~~Klock, Brian L.~~

STATUS: CERTIFICATE OF CORRECTION 09/000273

2/16/2006
Remarks
#2674; (KEEP AS BLK); IST CPA 110600; IST RCE 110802; PTA/IFN=0; FDX 12/14-LP; (##COPY DSG##) Country of Origin - JAPAN LastUpdate - 04-20-2005

~~Klock, Brian L.~~

STATUS: CERTIFICATE OF CORRECTION 09/000273

2/16/2006
Remarks
#2674; (KEEP AS BLK); IST CPA 110600; IST RCE 110802; PTA/IFN=0; FDX 12/14-LP; (##COPY DSG##) Country of Origin - JAPAN LastUpdate - 04-20-2005

~~Klock, Brian L.~~

STATUS: CERTIFICATE OF CORRECTION 09/000273

2/16/2006
Remarks
#2674; (KEEP AS BLK); IST CPA 110600; IST RCE 110802; PTA/IFN=0; FDX 12/14-LP; (##COPY DSG##) Country of Origin - JAPAN LastUpdate - 04-20-2005

~~Klock, Brian L.~~

STATUS: CERTIFICATE OF CORRECTION 09/000273

MASTER DOCKET - From 020106 to 022106

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Due Date Docket Number Attorney Action Application No

2/16/2006 03560.003283 Okun, Jason M.

Remarks

Amended

2/16/2006 03560.125975 Okun, Jason M.

Remarks

Dues OK 2-15-06

2/16/2006 00684.002954.1 Oliver, Justin J.

Remarks 1.53B DIV ; PTA=80; IPT 122205 - Proposed drawings okay;

Amendment + IDS w/ \$180.00 by Hand per JFT on 2/16/06

2/16/2006 03560.103117 Oliver, Justin J.

Remarks

[Handwritten: Amended by COF per JFT on 2/16/06]

2/16/2006 00684.003463.1 O'Neill, Michael K.

Remarks 1.53b div;

NO Appeal + Pet 2x by com per JFT on 2/16/06

2/16/2006 03650.001043 O'Neill, Michael K.

Remarks #2161; TLCY 021003 - NO FOR FILING; TLCY 112602 - RQ FOR OFR; Last Update - 03-29-2005

Extension per JFT on 2/16/06

2/16/2006 03650.001048 O'Neill, Michael K.

Remarks FX 060303 - NO FRGN FILING;

U.S. 3-W-6 LWA

2/16/2006 00766.000043 Perry, Lawrence S.

Remarks NATL PHASE OF PCT/JP00/01148 OF 022800; 1ST RCE FILED 042704;

Application No

2/16-302
FINAL 3 month Office Action initial deadline 10/1/2007

Convention Check

Formal Drawings Due

10/1/2006

3-month Office Action initial deadline

11/1/2007

FINAL 3-month Office Action 2 month extension

10/1/2006

3-month Office Action initial deadline

10/1/2006

3-month Office Action initial deadline

09/1/2006

MASTER DOCKET - From 020106 to 022106

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Application/NO

Action

Attorney

Docket Number

Due Date

2/16/2006 Amend + Pet 5K by Hand pm JAS on 2/16/06
00862.022180.1 Pinsky, Douglas W.

Remarks 1.53B DIV - PAR TO ISSUE; SWS 112505 - prepare & send disclaimer

Amend by hand pm JAS on 2/16/06
03560-015462 Pinsky, Douglas W.

Remarks (JOINT ASSIGNEE); 1ST RCE FILED 041604; FEDEX 041205 - ASSIGN
3 month Office Action initial deadline

Reminded on 2/16/06
Reda, Jennifer A.

2/16/2006 PTA/ALW=0; PTA/IFN = 0 DAYS; FX 020304 - RQ FOR OFR; FEDX 033004 - ORIG LP; M-FEES TO BE PAID BY CPA;
Remarks Request for Reconsideration on Petition due 09/08/06

can Bolon

2/16/2006 01997.030500.PC Russo, Alicia A.
Remarks (NO MEMO - NO RECORDS)

PCT - Int'l Prelim Exam Request

US05/0007

No accf. on AA/Am 2-15-06

2/16/2006 01997.030500.PC Russo, Alicia A.
Remarks (NO MEMO - NO RECORDS)

Response to First Written Opinion Due

US05/0007

W-061. to 3-16-06

2/16/2006 03500-017167 Saxon, Peter

Remarks FLOPPY & CD-R RCD W/APLN; (NO DWGS); 1ST RCE FILED 042105; Advisory rec'd 1/9/06;

10/11/02

Amend by hand pm JAS on 2/16/06
00684.003330.6 Wannisky, William M.

Remarks 1.53b div; Tlcopy 101105 - amend claims; tcopy 101105 - amend claims in use; Fax 102005 - Defer filing claims;

11/01/09

Amend by hand pm JAS on 2/16/06
00684.003330.6 Wannisky, William M.

Remarks Tlcopy 101105 - amend claims; Fax 102005 - Send draft claims; Fax 102705 - Defer filing Claims for now;

11/01/09

MASTER DOCKET - From 020106 to 022106

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Due Date	Docket Number	Attorney	Action	Application No
2/16/2006	03500.014620.1	Wannisky, William M.	AFTER FINAL BY HAND PER SSC on 2/14/06	10/11/06
Remarks	1.53B DIV - PAR TO ISSUE; 1ST RCE FILED 022805;			
2/16/2006	03500.002344.1	Wannisky, William M.	FINAL 3 month Office Action initial deadline	11/11/04
Remarks	IPT 011106 - RCE W/PRELIM;			
2/16/2006	00862.002826.1	Warner, Steven E.	FINAL 3 month Office Action initial deadline	10/11/04
Remarks	1.53B DIV - PAR TO ISSUE; (P199-1499USA); EMAIL 022205 - RE: ERROR IN SBST SPEC;			
2/16/2006	00862.516797	Warner, Steven E.	FINAL 3 month Office Action initial deadline	11/11/04
Remarks	FLOPPY RCD W/APLN; IPT 122805 - INSTR;			
2/16/2006	00862.516797	Warner, Steven E.	Drawings Correction Due	11/11/04
Remarks	FLOPPY RCD W/APLN; IPT 122805 - INSTR;			
2/16/2006	03500.015058.1	Williamson, Mark A.	Foreign Filing 6 month reminder	11/11/04
Remarks	amend a/f filed 071505; 1.53b div filed 081605			
2/16/2006	00862.023247	Yu-Jahnes, Lock See	Issue/Publication Fees due	10/11/04
Remarks	FLOPPY RCD W/APLN; PTA=13			
2/16/2006	01807.002083	Yu-Jahnes, Lock See	FINAL 3 month Office Action initial deadline	10/11/04
Remarks	CLIENT 011303 - INQRY; FAX 101305 - CLIENT DISAGREE WITH EXAMINER;			

Ans + Appl by hand pr SEU 2/2/06

See Above

No FR

Per ACU/DU 2/15/06

NJ-DC-30 3-11-06

2/2-2/2

RCE + PRELIM BY HAND PER SEU on 2/17/05

2/16 RCE-1/16